IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1064 (S/S)07

Vijay Pal S/o late Sri Balwant Kumar,
R/o village Pethana, Post Office- Syalde,
Tehsil Bhikiyasain, District Almora. ----Petitioner.

Vs.

1. State of Uttarakhand through Secretary Medical Health, and Family Welfare, Department, Dehradun,
2. Director of Medical Health and Family Welfare, Department Dehradun,
3. Chief Medical Officer, Almora. -----Respondents.

Sri R.C. Tamta, learned counsel for the petitioner.
Sri N.P. Sah, learned counsel for State of Uttarakhand/respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.C. Tamta, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand.

By means of writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding /directing the respondents to give the compassionate appointment under the Dying-in-Harness Rules to the petitioner in place of his father,

i. Issue or Pass any other writ, order of direction in the nature and manner, which may be deemed just and expedient in the circumstances of the case,

ii. Allow the writ petition with costs.

Stand of the petitioner is that petitioner's father was appointed on the post of Ward-boy in Govt. Hospital, Sinoda, District Almora in the year 1979 and while he was working as Class-IV employee in Govt. Allopathic Hospital, Machhor, Almora, expired on 06.01.2007. After death of his father, the petitioner made application on 28th March 2007 before the Chief Medical Officer, Almora to provide him appointment under Dying-in-Harness Rules. The said application is annexed as annexure no. 4 to the writ petition. More than 4 months have been passed, no action has been taken by the respondents, consequently the petitioner has constrained to file the instant writ petition for a direction to Chief Medical Officer, Almora to take decision on the application of the petitioner.

The very purpose of the Rule known as Dying-in-Harness Rules is to provide immediate relief to the members of bereaved family of the deceased Govt. employee. Consequently, I deem it fit and proper to direct the respondent no. 3 to take decision on the application of the petitioner dated 28th March 2007, contains as annexure no. 4 to the writ petition, as expeditiously as possible, at any rate, within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 13, 2007:
NCM: